

CHAPTER 20**HOME OCCUPATIONS***(Amended 05/22/18)*

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Section 20.010. Purpose. *(Amended 03/28/00; 01/08/13; 04/11/17)*

It is the intent of Lehi City to encourage business activities in appropriate commercial districts. Business activities may be conducted within a residence on a limited basis provided that the proposed activity complies with the standards and provisions of this Chapter. All home occupations shall be secondary and incidental to the residential use of the structure. Home occupations are a temporary privilege that can be revoked at any time if disruption of the residential neighborhood occurs, or if the applicant fails to comply with any condition of approval.

Section 20.020. Requirements of Approval.*(Amended 03/28/00; 8/10/04; 12/08/09; 01/08/13; 03/11/14; 04/11/17; 08/29/17)*

To protect the character of residential neighborhoods in the City, a Home Occupation Permit shall be obtained prior to use of a residential dwelling or accessory building for a business. An application for a Home Occupation Permit may be approved provided:

- A. the applicant resides in the residence for which the permit is being sought;
- B. no alteration to the exterior of the residence is made and the residence maintains the general character and appearance of a residential dwelling;
- C. the home occupation occupies no more than 25% of the total finished, livable floor area of the dwelling;
- D. the home occupation is carried out within the home, garage, accessory building, or other space of a residential property but is not observable by the general public from the street in front of the residence, and the business activities do not create a nuisance for adjacent properties or disrupt the normal residential character of the neighborhood in which the residence is located;

E. any space that is used for the business in a garage or accessory building is counted toward the maximum allowed square footage for the home occupation;

F. garage doors remain closed while business is conducted therein;

G. required off-street parking for both the residence and home occupation is maintained as per Table 37.090 and Section 20.040.B of this Code;

H. a home occupation located in a garage or accessory building complies with all applicable building and fire codes, which may require approval for business activities by the Building Official and fire marshal;

I. if the home occupation is swimming lessons, they are conducted within an accessory building covering the swimming pool;

J. if the home occupation involves raising, keeping, caring, or selling of animals, an inspection by the Animal Control Officer shall occur prior to issuance of a business license;

K. a certificate of occupancy is first issued for the residence;

L. the applicant obtains a Lehi City Business License for the home occupation on an annual basis;

M. there are no signs or product displays;

N. no more than one home occupation is approved per residence unless the applicant can demonstrate the additional home occupations will not impact the residential nature of the area;

O. the applicant provides off-street parking for all vehicles related to the home occupation, that no on-street parking related to the business is allowed, and the business activities do not create a demand for on-street parking;

P. there is no storage or parking of tractor trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of the home occupation, except that not more than one truck of one-ton capacity or less may be parked at the premises during off hours;

Q. to ensure the home occupation, once author-

ized, does not become a nuisance to the neighbors, the Zoning Administrator may impose operating conditions initially and also subsequently to protect the public health, safety, peace, and welfare of the residents of the surrounding residential area;

R. the home occupation is clearly incidental and secondary to the residential use of the dwelling and does not change the character of the building from common residential uses;

S. activities in connection with the home occupation are not in conflict with the objectives and characteristics of the district in which the home occupation is located; and

T. if the applicant for a home occupation is not the legal owner of the residence, the applicant presents written permission from the legal owner of the residence to conduct the activities proposed.

Section 20.030. Employees.

(Amended 03/28/00; 01/08/13)

A. Residents of the dwelling for which a home occupation has been approved may be employed by the home occupation.

B. Recognizing that for some home occupations additional employees are necessary or practical, the City may allow one employee not residing in the premises to work at the location of a home occupation during daytime business hours. Off-street parking shall be required for all on-premises employees of an approved home occupation.

C. Off-premise employees shall not be allowed to frequent the premise of a home occupation.

Section 20.040. Patrons. (Amended 07/18/02; 8/10/04; 01/08/13; 03/11/14; 04/11/17)

A. A home occupation shall not create the demand for more than two patrons per hour, with the exception of daycare, in-home child instruction, and swimming lessons as provided in this section. In no case, shall the number of clients exceed 12 per hour and 24 per day.

B. Off-street parking is required for all patrons of an approved home occupation.

C. In the case of in-home child instruction, including preschools, dance, music, and art instruction, there shall not be more than 12 children at one time nor

more than two classes or sessions per day.

D. In the case of child day care, the total number of children that may be allowed in attendance at one time shall conform to the Utah State Regulations for residential child care found at Utah Admin. Code R430-50-1, *et seq.* In order to maintain the validity of a Lehi City business license for any child day care, the applicant shall obtain and keep valid a Utah Department of Health child care certificate. Any child day care home occupation shall also strictly comply with all other requirements set forth in Utah Admin. Code § R430-50-1, *et seq.*

E. In the case of swimming lessons, the following provisions shall apply:

1. the total number of patrons that may be allowed in attendance at one time shall be limited to six.

2. there shall be no more than four classes or sessions per day.

3. the license holder and any other instructors shall have and maintain current certifications issued by the American Red Cross in each of: 1) cardio-pulmonary resuscitation; 2) first aid; and 3) swim coaches safety training or water safety instruction.

4. the pool facility shall meet all State requirements for pool cleanliness, microbes, sanitation, chemicals, lifesaving apparatus, periodic sampling of water, and water purification treatment.

5. the pool design must be an in-ground built-in pool. Temporary, portable, or above ground pools shall not be used.

6. all instructors are required to have YMCA accreditation or other nationally approved accreditation standards for swim instruction.

F. For child day care and in-home child instruction and swimming lessons, the backyard of the home is required to be fully fenced and all gates shall have self-closing latches.

G. For any business expecting patrons, including salons, daycare, in-home child instruction, and swimming lessons, the applicant must pass a fire and safety inspection prior to the issuance of a business license.

Section 20.050. Prohibited Home Occupations.

(New 12/08/09; Amended 01/08/13; 08/29/17)

For the purpose of protecting residential character, the following types of businesses and those of a similar nature are prohibited as home occupations:

- A. body art facilities;
- B. clinics, hospitals, and related medical and dental facilities, excluding outpatient counseling and therapy services;
- C. animal and veterinary clinics, kennels, or other facilities which entail the raising, or keeping of dogs, cats or other animals in excess of what is permitted by Table 12.070 of this Code;
- D. restaurants;
- E. automobile, truck, or recreational vehicle related businesses, including repair services, retail or wholesale sales, painting and auto body repair;
- F. construction or landscape maintenance businesses that require equipment, materials, or vehicles to be stored at the home;
- G. ambulance services;
- H. retail sales businesses, excluding internet sales;
- I. sexually oriented businesses;
- J. manufacturing, such as wood shops, metal fabrication, welding, assembly shops, and other similar businesses; and
- K. engine or appliance repair services.

Section 20.060 Appeals. *(Amended 01/08/13; 12/13/16)*

If an applicant for a Home Occupation Permit is either denied a permit or desires to appeal any condition of approval placed on the application by the Zoning Administrator, the applicant may present an appeal to the Hearing Examiner within ten days of the decision, as per Section 03.040. The applicant shall notify the Zoning Administrator, in writing, of the appeal. The Zoning Administrator will schedule an appeal hearing with the Hearing Examiner and provide at least 14 days' public notice consistent with the notification procedures of Section 03.080. At the hearing, the Hearing Examiner may hear from the Zoning Administrator, staff, applicant, public and other interested parties prior to making a decision on the appeal. Following the hearing, the Hearing Examiner may approve, approve with conditions, or deny the appeal.

Section 20.070. Noncompliance and Revocation.

Any Home Occupation Permit shall be revoked by the Zoning Administrator upon violation of any of the requirements of this Chapter, or upon failure to comply with any condition of the permit, unless the violation is corrected within ten days of receipt of written notice of the violation. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

Section 20.080. Business License Required.

(New 12/08/09)

A Home Occupation Permit is not a business license. Granting of the permit shall not relieve the permittee of any other license requirement of the City or of any other public agency, including the requirement to obtain a business license.